

The Gazette



of India

EXTRAORDINARY
PUBLISHED BY AUTHORITY

NEW DELHI, MONDAY, NOVEMBER 8, 1948

GOVERNMENT OF INDIA
MINISTRY OF LAW

New Delhi, the 8th November 1948

ORDINANCE No. XXXI of 1948

AN

ORDINANCE

further to amend the Essential Supplies (Temporary Powers) Act, 1946.

WHEREAS an emergency has arisen which makes it necessary further to amend the Essential Supplies (Temporary Powers) Act, 1946 (XXIV of 1946), for the purpose hereinafter appearing;

NOW, THEREFORE, in exercise of the powers conferred by section 42 of the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor-General is pleased to make and promulgate the following Ordinance:—

1. Short title and commencement.—(1) This Ordinance may be called the Essential Supplies (Temporary Powers) (Amendment) Ordinance, 1948.

(2) It shall come into force at once.

2. Amendment of section 7, Act XXIV of 1946.—For clause (b) of the proviso to sub-section (1) of section 7 of the Essential Supplies (Temporary Powers) Act, 1946, the following shall be substituted, namely:—

“(b) where the contravention is of an order relating to foodstuffs, the Court shall—

(i) sentence any person convicted of such contravention to imprisonment for a term which may extend to three years and may, in addition, impose a sentence of fine, unless for reasons to be recorded in writing it is of opinion that in the circumstances of the case a sentence of fine is adequate and that imprisonment is not called for, and

(ii) direct that any property in respect of which the order has been contravened shall be forfeited to His Majesty, unless for reasons to be recorded in writing it is of opinion that in the circumstances of the case the direction should not be made in respect of the whole, or, as the case may be, a part of the property.”

C. RAJAGOPALACHARI,
Governor-General.

K. Y. BHANDARKAR,
Secy. to the Govt. of India.

(1743)

